

NO. 25112

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WOLFGANG EISERMANN, Petitioner,

vs.

THE HONORABLE VIRGINIA LEA CRANDALL, JUDGE OF THE
CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I,
and DONALD WILKERSON, Respondents.

ORIGINAL PROCEEDING
(Civ. No. 00-1-0526)

ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of Wolfgang Eisermann's writ of mandamus, the papers in support, and the records and files herein, it appears that: (1) Eisermann filed a complaint, Eisermann v. Wilkerson, Civil No. 00-1-0526-02, against Donald Wilkerson; (2) Wilkerson did not file an answer, and on September 11, 2001, Eisermann filed a document entitled "petition for motion for default" in the pending circuit court case; (3) on October 1, 2001, the respondent judge issued a minute order denying the motion without prejudice with a notation that the notice of motion and certificate of service were not attached; (4) the minute order directed the prevailing party, Donald Wilkerson, to prepare the order and circulate it for signature; and (5) the prevailing party did not prepare the order and the respondent judge did not take any further action. Therefore,

IT IS HEREBY ORDERED that respondents shall, within thirty days from the date of this order, respond to the petition

and address the assertion that no order was entered on the minute order issued on October 1, 2001. Notwithstanding the provision in HRAP Rule 21(c), the respondent judge shall file a response to the petition. Petitioner may file a supplemental memorandum or other supplemental material within the time provided.

DATED: Honolulu, Hawai'i, August 30, 2002.

FOR THE COURT:

STEVEN H. LEVINSON
Associate Justice